

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, NC

JUL 20 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. DNCW3:01CR90
)	(Financial Litigation Unit)
JULIA POWELL,)	
)	
and)	
)	
PRESBYTERIAN HOSPITAL,)	
Garnishee.)	

CONSENT ORDER OF GARNISHMENT

The parties, the United States of America, the defendant, Julia Powell, and the garnishee, Presbyterian Hospital, agree and stipulate as follows:

1. The defendant is Julia Powell, Social Security Number XXX-XX-4033, whose last known address is: XXXXXXXX, Charlotte, NC 28205.
2. A criminal judgment was entered in Case No. DNCW3:01CR90 in the Western District of North Carolina against the defendant in this action where she was ordered to pay an assessment and restitution in the amount of \$30,133.27. The parties agree and stipulate that the total balance due in this case is \$21,827.59, as of May 23, 2011.
3. The garnishee has in its possession, custody or control property of the defendant in the form of wages paid to the defendant.
4. The defendant waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives her right to a hearing under said statute and any other process to which the defendant may be entitled under 28 U.S.C. §3205, and further waives her right to a hearing under said statute and any other process to which the defendant may be entitled

under 28 U.S.C. §3001. et. seq.

5. The garnishee waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives its right to answer and waives being heard in this matter and any other process to which the garnishee may be entitled under 28 U.S.C. §3001. et. seq.

6. The defendant agrees and stipulates that her wages are subject to garnishment under 28 U.S.C. §3205 and expressly agrees and stipulates that the entry of a Consent Order in Garnishment is proper.

7. The garnishee agrees and stipulates that they are prohibited from discharging the defendant/debtor from employment by reason of the fact that her earnings have been subject to garnishment from any one indebtedness. See 15 U.S.C. §1674.

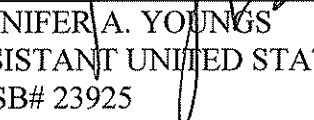
8. The parties agree and stipulate to the entry of a Consent Order of Continuing Garnishment against the non-exempt wages of the defendant. It is expressly agreed and stipulated to by the parties that the garnishee pay the plaintiff 25% of the defendant/debtor's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this Court. See 15 U.S.C. §1673(a).

9. The payments should be made payable to the United States Clerk of Court and mailed to the United States Clerk of Court, 401 West Trade Street, Charlotte, NC 28202.

10. The parties agree and stipulate that the plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the defendant would normally receive may be offset and applied to this debt.


Respectfully submitted,

ANNE M. TOMPKINS
UNITED STATES ATTORNEY



JENNIFER A. YOUNGS
ASSISTANT UNITED STATES ATTORNEY
NCSB# 23925
227 West Trade Street, Suite 1650
Charlotte, NC 28202
(704) 344-6222

Agreed and Consented to:

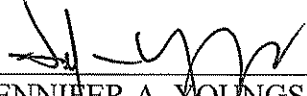


Julia Powell
Defendant
XXXXXXXX
Charlotte, NC 28205

Beverly Steele
Agent for Garnishee
Presbyterian Hospital
2085 Frontis Plaza Blvd.
Winston Salem, NC 27103

Respectfully submitted,

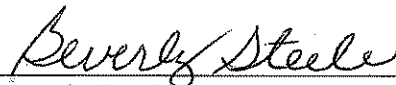
ANNE M. TOMPKINS
UNITED STATES ATTORNEY



JENNIFER A. YOUNGS
ASSISTANT UNITED STATES ATTORNEY
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Charlotte, NC 28202
(704) 344-6222

Agreed and Consented to:

Julia Powell
Defendant
XXXXXXX
Charlotte, NC 28205

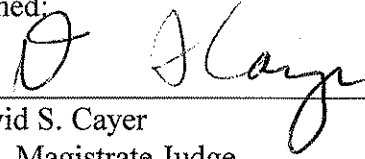


Beverly Steele
Agent for Garnishee
Presbyterian Hospital
2085 Frontis Plaza Blvd.
Winston Salem, NC 27103

SO ORDERED.

7/20/11

Signed:

A handwritten signature in cursive script, appearing to read "D. Cayer", written over a horizontal line.

David S. Cayer

U.S. Magistrate Judge